

VZCZCXYZ0002
OO RUEHWEB

DE RUEHC #0611 1630048
ZNR UUUUU ZZH
O 120021Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY KHARTOUM IMMEDIATE 0000

UNCLAS STATE 060611

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [SU](#)
SUBJECT: SUDAN -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Sudan of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Sudan and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Sudan of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Sudan,s country narrative in the 2009 TIP Report:

SUDAN (TIER 3)

Sudan is a source country for men, women, and children trafficked internally for the purposes of forced labor and sexual exploitation. Sudan is also a transit and destination country for Ethiopian women trafficked abroad for domestic servitude. Sudanese women and girls are trafficked within the country for domestic servitude. Local observers report the recruitment) sometimes by force) of Darfuri girls to work in private homes, including those occupied by soldiers from the Sudanese Armed Forces (SAF), as cooks or cleaners; some of these girls are subsequently pressured by male occupants to engage in commercial sexual acts. Sudanese women and girls are trafficked to Middle Eastern countries such as Qatar, for domestic servitude and to European countries, such as Poland, for sexual exploitation. Sudanese children are trafficked through Yemen to Saudi Arabia for forced begging. Sudanese gangs coerce other young Sudanese refugees into prostitution in nightclubs in Egypt.

Sudanese children are unlawfully conscripted, at times through abduction, and exploited by armed groups) including the Justice and Equality Movement (JEM), all Sudan Liberation Army (SLA) factions, the Popular Defense Forces, Janjaweed militia, and Chadian opposition forces) in Sudan's ongoing conflict in Darfur; the Sudanese Armed Forces, associated militias, and the Central Reserve Police also continue to unlawfully recruit children in this region. There were confirmed reports of forcible child recruitment in 2008 by the JEM in several refugee camps in eastern Chad, as well as villages in Darfur. Forcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan's concluded north-south civil war was previously commonplace; thousands of children still associated with these forces await demobilization and reintegration into their communities of origin. Although the Sudan People,s Liberation Army (SPLA) high command committed to preventing recruitment and releasing the remaining children from its ranks, reports suggest some local commanders continue recruiting children. In certain states, the SPLA also persists in using children for military activities, even after these children have been formally identified for demobilization and family reunification.

A recently released report by a consortium of NGOs found that government-supported militia, like the Janjaweed and the Popular Defense Forces, together with elements of the SAF, have systematically abducted civilians for the purposes of sexual slavery and forced labor as part of the Darfur conflict. This practice was far more common, however, at the beginning of the conflict in 2003 than during the reporting period, when the conflict in Darfur had largely subsided. Some were released after days or weeks of captivity, while others escaped after a number of months or even years. The vast majority of those abducted are from non-Arabic speaking ethnic groups like the Fur, Massalit, and Zaghawa. Abducted women and girls are subjected to rape, forced marriage, and sexual slavery, as well as forced domestic and agricultural labor. Abducted men and boys are subjected to forced labor in agriculture, herding, portering goods, and domestic servitude.

Thousands of Dinka women and children were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the north-south civil war. An unknown number of children from the Nuba tribe were similarly abducted and enslaved. A portion of those who were abducted and enslaved remained with their abductors in South Darfur and West Kordofan and experienced varying types of treatment; others were sold or given to third parties, including in other regions of the country; and some ultimately escaped from their captors. While there have been no known, new abductions of Dinka by members of Baggara tribes in the last several years, inter-tribal abductions continue in southern Sudan between warring African tribes, especially in Jonglei and Eastern Equatoria States; Murle raids on Nuer villages in Jonglei State resulted in the abduction of an unknown number of children.

The terrorist rebel organization, Lord's Resistance Army (LRA), continues to harbor small numbers of enslaved Sudanese and Ugandan children in southern Sudan for use as cooks, porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. UN/OCHA reported 66 LRA-related abductions in southern Sudan's Western Equatoria Province in 2008 and early 2009.

The Government of National Unity of Sudan (GNU) does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. This report discusses the problem of human trafficking as it impacts the country in its entirety and analyzes the efforts of the national government, the Government of Southern Sudan (GOSS), and the state governments to combat the problem. Sudan's Tier 3 ranking reflects the overall lack of significant anti-trafficking efforts demonstrated by all levels of the country's governing structures, each of which bear responsibility for addressing the crime. While the GNU and the GOSS took greater steps to demobilize child soldiers, combating human trafficking through law enforcement or significant prevention measures was not a priority for any Sudanese government entity in 2008. The national government published neither data nor statistics regarding its efforts to combat human trafficking during the year; it did not respond to requests to provide information for this report.

Recommendations for Sudan: Increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict trafficking offenders; implement trafficking-related provisions of newly-enacted legislation, including the Sudan Armed Forces Act; establish an official process for law enforcement officials to identify trafficking victims and refer them for assistance; demobilize all remaining child soldiers from the ranks of the armed forces, as well as those of aligned militias; take steps to identify and provide protective services to all types of trafficking victims found within the country; and make a much stronger effort, through a comprehensive policy approach that involves all vested parties, to identify, retrieve, and reintegrate abductees who remain in situations of enslavement.

Prosecution

The government's anti-trafficking law enforcement efforts were negligible during the reporting period; it did not investigate or prosecute any suspected trafficking cases. Sudan is a large country with porous borders and destitute hinterlands; the national government had little ability to establish authority or a law enforcement presence in many regions. Sudan's criminal code does not prohibit all forms of trafficking in persons, though its Articles 162, 163, and 164 criminalize abduction, luring, and forced labor, respectively. No trafficker has ever been prosecuted under these articles. In May 2008, the Council of Ministers received the Child Act 2008 for review; the act must be approved by the council and ratified by the parliament before it can be implemented. The Act prohibits the recruitment of children under the age of 18 into armed forces or groups and

ensures the demobilization, rehabilitation, and reintegration of child victims of armed conflict. Several states subsequently drafted their own Child Acts based on the national act; in November 2008, Southern Kordofan State ratified its Child Act. In December 2008, Sudan's National Assembly approved the Sudan Armed Forces Act of 2007, which establishes criminal penalties for persons who recruit children under 18 years of age, as well as for abduction and enslavement; the act prescribes penalties of up to five years, imprisonment for child recruitment and up to 10 years, imprisonment for enslavement. In August 2008, the Southern Sudan Legislative Assembly passed the Southern Sudan Child Act of 2008, which prohibits the recruitment and use of children for military or paramilitary activities and prescribes punishments of up to 10 years, imprisonment for such crimes. The President of the Government of Southern Sudan (GOSS) signed the act into law in October 2008. The Southern Sudan Penal Code Act, enacted in July 2008, prohibits and prescribes punishments of up to seven years, imprisonment for unlawful compulsory labor, including abduction or transfer of control for such purposes; the Act also criminalized the buying or selling of a minor for the purpose of prostitution and prescribes a punishment of up to 14 years, imprisonment. In December 2008, the Minister of Justice issued a decree establishing offices with specialized children's attorneys in Southern Darfur, Gedaref, Southern Kordofan, Sennar, Blue Nile, Western Darfur, and Kassala States to supervise investigations. The government neither documented anti-trafficking law enforcement efforts nor provided specialized anti-trafficking training to law enforcement, prosecutorial, and judicial personnel during the year. At the request of the Sudanese Police, in January 2009, UNPOL trained 122 women police officers who staff gender desks in child protection. UNPOL also conducted a five-day training program on human rights, gender, and child protection for 25 police officers in Aweil.

Protection

Sudan's Government of National Unity (GNU) made only minimal efforts to protect victims of trafficking during the past year, and these efforts focused primarily on the demobilization of child soldiers. The government continued to demonstrate extremely low levels of cooperation with humanitarian workers in the Darfur region on a broad spectrum of issues, including human trafficking. The GOS and GOSS provide little to no protection for victims of trafficking crimes; Sudan had few victim care facilities readily accessible to trafficking victims and the government did not provide access to legal, medical, or psychological services. The government did not publicly acknowledge that children are trafficked into prostitution or domestic servitude in Sudan or take steps to identify and provide protective services to such victims. The Khartoum State Police's child and family protection unit, which offers various services such as legal aid and psychosocial support, assisted an unknown number of child victims of abuse and sexual violence in 2008 and could have potentially provided these services to trafficking victims. In 2008, similar units were established with UNICEF's support in Western Darfur, Northern Darfur, Southern Kordofan, Northern Kordofan, and Gedaref States. The government did not have a formal referral process to transfer victims to organizations providing care or a system of proactively identifying victims of trafficking among vulnerable populations.

In January 2008, the government and its UN counterparts established a forum to share information and coordinate an appropriate response to children affected by armed conflict; the group met three times during the year. In May 2008, the Northern Sudan DDR Commission (NSDDRC) and the Southern Sudan DDR Commission (SSDDRC), with support from UNICEF and the Integrated UNDDR Unit, demobilized 88 children formerly associated with the SPLA in Kurmuk, Blue Nile State. In December 2008, the SSDDRC demobilized 46 children from the SPLA training academy in Korpout, Upper Nile State; they were part of a group of 68 children registered for demobilization in July 2007. Identification and registration programs were

ongoing for remaining children still serving under the SPLA in Unity and Jongley States, as well is in South Kordofan. In July 2008, NSDDRC in Blue Nile State and UNICEF commenced an interim program to monitor demobilized children,s participation in reintegration opportunity programs; in October 2008, the program provided training to NSDDRC,s child DDR workers on DDR standards and communicating effectively with children. In August 2008, the GOSS opened a child protection unit to ensure that no children are part of the SPLA,s ranks. In December 2008, the Sudan Armed Forces, the National Council for Child Welfare, and UNICEF signed a memorandum of understanding to strengthen the protection of children in Sudan and prevention of recruitment into the armed forces.

During the reporting period, the government punished trafficking victims for crimes committed as a direct result of being trafficked. Following the May 2008 clash between JEM and government forces in Omdurman, a suburb of Khartoum, Sudanese authorities arrested 110 children on charges of attempted violent overthrow of the state and held them with adults for several days. The government then established a Presidential High Committee to care for the children under the leadership of the Humanitarian Aid Commissioner. The National Council for Child Welfare (NCCW) took custody of 100 children, placed them in a National Security detention center, and provided medical care and psychosocial support; international NGOs certified the quality of the center as good and in keeping with international standards. However, 10 children were not sent to the separate facility and remained in detention with adults and an estimated 30 children were used as witnesses in trials of JEM combatants. The government pardoned and released 103 children for family reunification; tried, acquitted, and released four children; and sentenced one child to death, pending appeal. The whereabouts of one child is unknown.

The Committee for the Eradication of Abduction of Women and Children (CEAWC), established in 1999 to facilitate the safe return of abducted and enslaved women and children to their families, was not operational during the reporting period. Its most recent retrieval and transport missions took place in March 2008 with GOSS funding; since that time, neither the GNU nor the GOSS provided CEAWC with the necessary funding for the transport and reunification of previously identified abductees with their families. The government made no efforts to address issues of abduction and enslavement in Darfur during the reporting period.

Prevention

The government made limited efforts during the reporting period aimed at the prevention of trafficking. In September 2008, the SSDDRC and the UN,s DDR unit began a weekly radio talk show to sensitize the public on demobilization and reintegration issues. In June 2008, the government NCCW, in collaboration with UNICEF, hosted its national celebration of the Day of the African Child in Kadugli, South Kordofan State. Based on the theme &No use of children under 18 years in the military,8 activities included speeches, radio and television interviews, songs, children,s theater, traditional dance, sporting events, and the distribution of printed materials such as posters, leaflets, and banners; these events reached an estimated 85,000 people in Kadugli. Similar celebrations took place in all other states in collaboration with state Councils for Child Welfare and state Ministries of Social Welfare. During 2008, Sudanese national security personnel prevented the publication of newspaper articles on human trafficking. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts. Sudan has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance)

with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why is Sudan on Tier 3?

A: The Government of National Unity of Sudan did not make significant efforts to combat trafficking during the reporting period. While the government took greater steps to demobilize child soldiers, combating human trafficking through law enforcement or significant prevention measures was not a priority for the government in 2008. The Sudanese government published neither data nor statistics regarding its efforts to combat human trafficking during the year; it did not respond to requests to provide information for this report.

Q2: What progress has Sudan made in the past year?

A: Sudan,s National Assembly approved the Sudan Armed Forces Act, which establishes criminal penalties for persons who recruit children under 18 years of age, as well as for a range of human rights violations, including abduction and enslavement. The Southern Sudan Legislative Assembly passed the Southern Sudan Child Act, which prohibits the recruitment and use of children for military or paramilitary activities. The National Council for Child Welfare took custody of 100 children arrested for association with an armed group, placed them in a separate facility from adults, and provided medical care and psychosocial support. The government demobilized child soldiers from the SPLA. In June 2008, the government,

in collaboration with UNICEF, hosted its national celebration of the Day of the African Child in South Kordofan State with the theme &No use of children under 18 years in the military.⁸ These activities) including speeches, radio and television interviews, songs, children,s theater, traditional dance, sporting events, and the distribution of printed materials) reached an estimated 85,000 people.

Q3: What can Sudan do to further the fight against trafficking in persons?

A: To improve its anti-trafficking efforts, the Government of Sudan could: increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict trafficking offenders; implement trafficking-related provisions of newly enacted legislation, including the Sudan People,s Armed Forces Act; establish an official process for law enforcement officials to identify trafficking victims and refer them for assistance; demobilize all remaining child soldiers from the ranks of the armed forces, as well as those of aligned militias; take steps to identify and provide protective services to all types of trafficking victims found within the country; and make a much stronger effort, through a comprehensive policy approach that involves all vested parties, to identify, retrieve, and reintegrate abductees who remain in situations of enslavement.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON